Why are changes to *The Local Authorities Election Act* being considered?

Changes are being proposed to *The Local Authorities Election Act* as it relates to those provisions that enable **non-resident electors** (i.e. non-resident property owners) to vote in municipal elections. No changes are being proposed for electors who are residents of the municipality. The Province of Manitoba is seeking input from Manitobans as these changes are being considered.

The legislation that governs municipal elections provides that any individual who is a resident in the municipality or owns property in the municipality may vote in a municipal election. Resident electors must have lived in the municipality for six (6) months. Non-resident electors must have owned the property for six (6) months before the election. The six (6) month property ownership requirement for non-resident electors came into law in July 2001.

Manitoba is somewhat unusual in that it allows **non-residents** who own property in a municipality to vote in municipal elections. Only Saskatchewan has similar unrestricted non-resident voting in municipal elections. Other provinces and territories either limit or prohibit **non-resident** voting.

Concerns have also been raised respecting the cost of enforcing provisions in *The Local Authorities Election Act*, where there are questions about whether an election offence may have occurred. The anticipated changes arise from events in a 1998 municipal election, where the Court found that an election offence was committed when a person knowingly transferred interest in land to individuals in order to qualify them to vote in an election.

The legislation provides that the election of a person may be challenged to the Court of Queen's Bench on the grounds that it is voidable because of "election offences or offences committed at the election". Other grounds to challenge a municipal election include the possibility that the person was not elected by a majority of the lawful votes. The challenge must be made in the form of a petition by either an election candidate or four or more electors who voted, together with a fee of $5 and a deposit of $200.00. The petitioners are responsible for all costs associated with pursuing the election challenge in the Court of Queen's Bench and subsequent appeals.

What is being considered?

The options suggested try to strike a balance between the desire to resolve issues raised in the court case arising from the 1998 election, and the need to not create undue restrictions. It is clear that any changes to *The Local Authorities Election Act* to resolve these issues involve changing existing **non-resident elector** rights.

A range of options, from limiting the number of **non-resident owners** per property who are eligible to vote in municipal elections to strengthening the authority of election officials to remove the names of ineligible electors from the list of electors are being examined.

I. Limiting the number of eligible non-resident electors who may vote per property:

It is important to balance the need for fair and accountable municipal elections with the desire of non-residents to continue to vote in municipal elections. To do this, various options such as limiting the number of **non-resident electors** per property who may vote in the municipal election to between two (2) and six (6) electors are being considered.

In circumstances where there is more than the designated number of **non-resident electors** per property, a nomination process could be used to designate which **non-resident electors** would vote. Such a process will require advance planning by non-resident electors in order to determine if they are qualified to vote in municipal elections.

This option still provides an opportunity for most non-residents to vote and ensures that the non-residents in municipalities are represented through a democratic process.

II. Strengthening the authority of election officials:

Consideration is also being given to clarifying *The Local Authorities Election Act* to authorize election officials to remove the names of **non-resident** property owners who have been transferred interests in land solely to qualify them to vote in a municipal election. Clearly enabling local election officials to remove ineligible names from the list of electors prior to a municipal election is also being examined.

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What are the next steps?

Intergovernmental Affairs staff is consulting with the municipal associations, municipalities with substantial numbers of non-resident electors, and citizens. Legislation is being prepared in time for the next municipal election, in 2002.

Your comments may be submitted to:

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